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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,531	03/10/2004	Hideki Takada	848075/0076	4533
29619 7590 06/25/2008 SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022				
EXAMINER NGUYEN, LUONG TRUNG				
ART UNIT		PAPER NUMBER		
2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,531

Applicant(s)

TAKADA, HIDEKI

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) 4-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 12 is/are rejected.
7) ☒ Claim(s) 2, 3 and 13 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I (Figure 8), which is readable on claims 1-3, 12-13 in the reply filed on 3/28/2008 is acknowledged.
2. Claims 4-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/28/2008.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 10/20/2005, 06/12/2006, 06/22/2006 have been considered by the examiner.

The reference 2001-206885 filed in IDS submitted on 08/15/2005 has not been considered by the examiner since the copy of the reference was not submitted.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Takemura et al. (US 6,507,700).

Regarding claim 1, Takemura et al. discloses an imaging apparatus comprising:

a camera casing having an opening (camera case 5, figures 1-2, column 4, lines 25-56);

a lens set (lenses 1, 2, figures 1-2, column 4, lines 25-56) housed in a lens-barrel (lens barrel 4, figures 1-2, column 4, lines 25-56); and

a pressure member (front case 5a, figures 1-2, column 4, lines 25 -56) in a cylindrical shape having an opening defined by an annular pressure portion,

wherein said opening of said pressure member is caulked with a first lens of said lens set by fixing said pressure member to an outer circumferential portion of said lens-barrel (figures 1-2 shows that front case 5 is fixed to outer circumferential of lens barrel 4, and noted that since camera 5 is a waterproof camera, the front case 5a must be caulked with front lens 1, column 4, lines 25-67) and

said opening of said camera casing is caulked by fixedly housing said fixed pressure member in said camera casing in which a front end portion of said fixed pressure member

projects outside from said opening of said camera casing (figures 1-2, since camera 5 is a waterproof camera, the front case 5a must be caulked with front lens 1, column 4, lines 25-67).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura et al. (US 6,507,700) in view of Ara (US 5,550,612).

Regarding claims 12, Takemura et al. discloses an imaging apparatus comprising:

a camera casing having an opening (camera case 5, figures 1-2, column 4, lines 25-56); a lens assembly (lenses 1, 2, figures 1-2, column 4, lines 25-56) including a lens-barrel (lens barrel 4, figures 1-2, column 4, lines 25-56) for housing a lens set positioned relatively to each other, a pressure member (front case 5a, figures 1-2, column 4, lines 25 -56) in a cylindrical shape surrounding an outer circumference of said lens-barrel, and an opening defined by said pressure member;

wherein said opening of said pressure member is caulked with a first lens of said lens set (figures 1-2 shows that front case 5 is fixed to outer circumferential of lens barrel 4, and noted that since camera 5 is a waterproof camera, the front case 5a must be caulked with front lens 1, column 4, lines 25-67).

Takemura et al. fails to specifically disclose wherein said opening of said pressure member is caulked with a first lens of said lens set by fixedly screwing said pressure member down to an outer circumferential portion of said lens-barrel, and said opening of said camera casing is caulked by fixedly housing said pressure member screwed down fixedly in said camera casing in which a front end portion of said pressure member screwed down fixedly projects outside from said opening of said camera casing. However, Arai discloses a camera in which lens barrel 8 is screwed into thread portion of camera body 10 (figure 1, column 5, lines 5-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Takemura et al. by the teaching of Arai in order to mount a lens barrel to camera casing, which has the benefit that a user easily replace lens barrel by screwing the lens barrel out of the thread portion of camera casing.

Allowable Subject Matter

9. Claims 2-3, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishimura et al. (US 6,704,151) discloses optical unit and method for assembling the same.

Nagano (US 5,798,876) discloses lens barrel with peripheral parts of first and second lenses in contact.

Satoh et al. (US 5,689,375) discloses optical apparatus.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571)272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.